

House Bill 3235

Sponsored by Representative HELT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes School Support Fund consisting of moneys transferred from Oregon Marijuana Account. Directs Department of Education to use moneys in fund for programming to prevent bullying, substance abuse, violence in schools and suicide.

A BILL FOR AN ACT

1
2 Relating to school funding; creating new provisions; and amending ORS 475B.759.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The School Support Fund is established in the State Treasury, separate**
5 **and distinct from the General Fund. Interest earned by the School Support Fund shall be**
6 **credited to the fund. The School Support Fund shall consist of moneys transferred from the**
7 **Oregon Marijuana Account established under ORS 475B.759. Moneys in the fund are contin-**
8 **uously appropriated to the Department of Education for the purposes described in subsection**
9 **(2) of this section.**

10 **(2) The Department of Education shall use the moneys in the fund to:**

11 **(a) Develop programming designed to prevent bullying, substance abuse, violence in**
12 **schools and suicide;**

13 **(b) Work collaboratively with community partners engaged in the prevention of bullying,**
14 **substance abuse, violence in schools and suicide;**

15 **(c) Support any existing programming designed to prevent bullying, substance abuse, vi-**
16 **olence in schools and suicide;**

17 **(d) Develop and implement an age-appropriate health education curriculum that focuses**
18 **on the prevention of bullying, substance abuse, violence in schools and suicide;**

19 **(e) Provide training and resources for school personnel on the implementation of**
20 **evidence-based programming designed to encourage healthy school culture; and**

21 **(f) Create a community marijuana resource officer position in each school district.**

22 **SECTION 2. ORS 475B.759, as amended by section 1, chapter 81, Oregon Laws 2018, is amended**
23 **to read:**

24 **475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the**
25 **General Fund.**

26 **(2) The account shall consist of moneys transferred to the account under ORS 475B.760.**

27 **(3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the**
28 **Oregon Marijuana Account.**

29 **(b) Subject to subsection (4) of this section, the department shall transfer quarterly 20 percent**
30 **of the moneys in the Oregon Marijuana Account as follows:**

31 **(A) Ten percent of the moneys in the account must be transferred to the cities of this state in**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the following shares:

2 (i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the popu-
 3 lation of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a)
 4 of this section compared to the population of all cities of this state that are not exempt from this
 5 paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University
 6 under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

7 (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number
 8 of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day
 9 of the calendar quarter preceding the date of the transfer for premises located in each city compared
 10 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the
 11 last business day of that calendar quarter for all premises in this state located in cities; and

12 (B) Ten percent of the moneys in the account must be transferred to counties in the following
 13 shares:

14 (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-
 15 cially available area of all grow canopies associated with marijuana producer licenses held pursuant
 16 to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer
 17 for all premises located in each county compared to the total commercially available area of all
 18 grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the
 19 last business day of that calendar quarter for all premises located in this state; and

20 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-
 21 censes held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the cal-
 22 endar quarter preceding the date of the transfer for premises located in each county compared to
 23 the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business
 24 day of that calendar quarter for all premises in this state.

25 (c) Eighty percent of the moneys in the Oregon Marijuana Account must be used as follows:

26 (A) *[Forty]* **Thirty-five** percent of the moneys in the account must be used solely for purposes
 27 for which moneys in the State School Fund established under ORS 327.008 may be used;

28 (B) Twenty percent of the moneys in the account must be used solely for mental health treat-
 29 ment or for alcohol and drug abuse prevention, early intervention and treatment;

30 (C) Fifteen percent of the moneys in the account must be used solely for purposes for which
 31 moneys in the State Police Account established under ORS 181A.020 may be used; *[and]*

32 (D) Five percent of the moneys in the account must be used solely for purposes related to al-
 33 cohool and drug abuse prevention, early intervention and treatment services; **and**

34 **(E) Five percent of the moneys in the account must be transferred to the School Support**
 35 **Fund established in section 1 of this 2019 Act and must be used solely for the purposes for**
 36 **which moneys in the fund may be used.**

37 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-
 38 ance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to
 39 receive transfers of moneys under subsection (3)(b)(A) of this section.

40 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-
 41 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under
 42 subsection (3)(b)(B)(i) of this section.

43 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
 44 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive
 45 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

1 (5) In a form and manner prescribed by the Oregon Liquor Control Commission, each city and
 2 county in this state shall certify with the commission whether the city or county has an ordinance
 3 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
 4 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this subsection, the city is
 5 not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails
 6 to comply with this subsection, the county is not eligible to receive transfers of moneys under sub-
 7 section (3)(b)(B) of this section.

8 **SECTION 3.** ORS 475B.759, as amended by sections 1 and 2, chapter 81, Oregon Laws 2018, is
 9 amended to read:

10 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the
 11 General Fund.

12 (2) The account shall consist of moneys transferred to the account under ORS 475B.760.

13 (3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the
 14 Oregon Marijuana Account.

15 (b) Subject to subsection (4) of this section, the department shall transfer quarterly 20 percent
 16 of the moneys in the Oregon Marijuana Account as follows:

17 (A) Ten percent of the moneys in the account must be transferred to the cities of this state in
 18 the following shares:

19 (i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the popu-
 20 lation of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a)
 21 of this section compared to the population of all cities of this state that are not exempt from this
 22 paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University
 23 under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

24 (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number
 25 of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day
 26 of the calendar quarter preceding the date of the transfer for premises located in each city compared
 27 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the
 28 last business day of that calendar quarter for all premises in this state located in cities; and

29 (B) Ten percent of the moneys in the account must be transferred to counties in the following
 30 shares:

31 (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-
 32 cially available area of all grow canopies associated with marijuana producer licenses held pursuant
 33 to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer
 34 for all premises located in each county compared to the total commercially available area of all
 35 grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the
 36 last business day of that calendar quarter for all premises located in this state; and

37 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-
 38 censes held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the cal-
 39 endar quarter preceding the date of the transfer for premises located in each county compared to
 40 the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business
 41 day of that calendar quarter for all premises in this state.

42 (c) Eighty percent of the moneys in the Oregon Marijuana Account must be used as follows:

43 (A) *[Forty]* **Thirty-five** percent of the moneys in the account must be used solely for purposes
 44 for which moneys in the State School Fund established under ORS 327.008 may be used;

45 (B) Twenty percent of the moneys in the account must be used solely for purposes for which

1 moneys in the Mental Health Alcoholism and Drug Services Account established under ORS 430.380
2 may be used;

3 (C) Fifteen percent of the moneys in the account must be used solely for purposes for which
4 moneys in the State Police Account established under ORS 181A.020 may be used; *[and]*

5 (D) Five percent of the moneys in the account must be used solely for purposes related to al-
6 cohol and drug abuse prevention, early intervention and treatment services; **and**

7 **(E) Five percent of the moneys in the account must be transferred to the School Support**
8 **Fund established in section 1 of this 2019 Act and must be used solely for the purposes for**
9 **which moneys in the fund may be used.**

10 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-
11 ance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to
12 receive transfers of moneys under subsection (3)(b)(A) of this section.

13 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-
14 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under
15 subsection (3)(b)(B)(i) of this section.

16 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
17 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive
18 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

19 (5) In a form and manner prescribed by the Oregon Liquor Control Commission, each city and
20 county in this state shall certify with the commission whether the city or county has an ordinance
21 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
22 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this subsection, the city is
23 not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails
24 to comply with this subsection, the county is not eligible to receive transfers of moneys under sub-
25 section (3)(b)(B) of this section.

26